

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
UNITED STATES OF AMERICA

-v-

06-CR-00398A

MARK HAVEN,

Defendant.

PRELIMINARY ORDER OF FORFEITURE

Based upon the Plea Agreement entered into between the defendant, MARK HAVEN, and the government, on or about November 8, 2006, the defendant surrendered all right, title and interest in and agreed without further notice to an Order of Forfeiture against the following property:

- a) One (1) New England Firearms, 12 gauge single barrel shotgun, model SB-1 "Pardner," serial number NG237096;
- b) One (1) C.B.C. .22 caliber rifle, serial number ECK114596; and
- c) The quantity of .22 caliber ammunition seized from defendant's residence during the execution of a federal search warrant in August 2005.

NOW THEREFORE, pursuant to Federal Rules of Criminal Procedure Rule 32.2(b)(3) and Title 18, United States Code, Section 924(d); it is hereby

ORDERED, ADJUDGED and DECREED, that pursuant to Title 18, United States Code, Section 924(d), Title 28, United States Code, Section 2461(c) and New York State Penal Law, Section 400.05, the above-referenced properties are hereby declared to be a nuisance, abandoned, condemned and forfeited as to the defendant's interest therein and are to be disposed of according to law; and it is further

ORDERED, ADJUDGED and DECREED, that the United States shall publish at least once for three successive weeks in a newspaper of general circulation, notice of this Order, and of its intent to dispose of the property in such manner as the Attorney General may direct and notice that any person, other than the defendant, having or claiming a legal interest in any of the above-listed forfeited properties must file a petition with the Court within thirty (30) days of the final publication of notice. This notice shall state the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under the penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest

in each of the forfeited items and any additional facts supporting the petitioner's claim and the relief sought; and it if further

ORDERED, ADJUDGED AND DECREED, that upon adjudication of all third party interests, this Court will enter a Final Order of Forfeiture and Judgment pursuant to Title 18, United States Code, Section 924, Title 28, United States Code, Section 2461(c) and New York State Penal Law, Section 400.05.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: November 27 , 2006